



General Assembly

Amendment

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LCO No. 3968

HB0525103968SD0

Offered by:

SEN. STILLMAN, 20th Dist.

SEN. MCDONALD, 27th Dist.

To: House Bill No. 5251

File No. 62

Cal. No. 299

**"AN ACT CONCERNING PAYMENT OF THE COSTS OF FORENSIC
SEXUAL ASSAULT EVIDENCE EXAMINATIONS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 54-102g of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2010*):

5 (a) Any person who has been convicted of a criminal offense against
6 a victim who is a minor, a nonviolent sexual offense or a sexually
7 violent offense, as those terms are defined in section 54-250, or a
8 felony, and has been sentenced on that conviction to the custody of the
9 Commissioner of Correction shall, prior to release from custody and at
10 such time as the commissioner may specify, submit to the taking of a
11 blood or other biological sample for DNA (deoxyribonucleic acid)
12 analysis to determine identification characteristics specific to the
13 person. If any person required to submit to the taking of a blood or
14 other biological sample pursuant to this subsection refuses to do so,

15 the Commissioner of Correction or the commissioner's designee shall
16 notify the Department of Public Safety within thirty days of such
17 refusal for the initiation of criminal proceedings against such person.

18 (b) Any person who is convicted of a criminal offense against a
19 victim who is a minor, a nonviolent sexual offense or a sexually violent
20 offense, as those terms are defined in section 54-250, or a felony and is
21 not sentenced to a term of confinement shall, as a condition of such
22 sentence and at [such time as the sentencing court may specify] a time
23 and place specified by the Court Support Services Division of the
24 Judicial Department, submit to the taking of a blood or other biological
25 sample for DNA (deoxyribonucleic acid) analysis to determine
26 identification characteristics specific to the person.

27 (c) Any person who has been found not guilty by reason of mental
28 disease or defect pursuant to section 53a-13 of a criminal offense
29 against a victim who is a minor, a nonviolent sexual offense or a
30 sexually violent offense, as those terms are defined in section 54-250, or
31 a felony, and is in custody as a result of that finding, shall, prior to
32 discharge from custody in accordance with subsection (e) of section
33 17a-582, section 17a-588 or subsection (g) of section 17a-593 and at such
34 time as the Commissioner of Mental Health and Addiction Services or
35 the Commissioner of Developmental Services with whom such person
36 has been placed may specify, submit to the taking of a blood or other
37 biological sample for DNA (deoxyribonucleic acid) analysis to
38 determine identification characteristics specific to the person.

39 (d) Any person who has been convicted of a criminal offense against
40 a victim who is a minor, a nonviolent sexual offense or a sexually
41 violent offense, as those terms are defined in section 54-250, or a
42 felony, and is serving a period of probation or parole, and who has not
43 submitted to the taking of a blood or other biological sample pursuant
44 to subsection (a), (b) or (c) of this section, shall, prior to discharge from
45 the custody of the Court Support Services Division or the Department
46 of Correction and at such time as said division or department may
47 specify, submit to the taking of a blood or other biological sample for

48 DNA (deoxyribonucleic acid) analysis to determine identification
49 characteristics specific to the person.

50 (e) Any person who has been convicted or found not guilty by
51 reason of mental disease or defect in any other state or jurisdiction of a
52 felony or of any crime, the essential elements of which are
53 substantially the same as a criminal offense against a victim who is a
54 minor, a nonviolent sexual offense or a sexually violent offense, as
55 those terms are defined in section 54-250, and is in the custody of the
56 Commissioner of Correction, is under the supervision of the Judicial
57 Department or the Board of Pardons and Paroles or is under the
58 jurisdiction of the Psychiatric Security Review Board, shall, prior to
59 discharge from such custody, supervision or jurisdiction submit to the
60 taking of a blood or other biological sample for DNA
61 (deoxyribonucleic acid) analysis to determine identification
62 characteristics specific to the person.

63 (f) The analysis shall be performed by the Division of Scientific
64 Services within the Department of Public Safety. The identification
65 characteristics of the profile resulting from the DNA analysis shall be
66 stored and maintained by the division in a DNA data bank and shall
67 be made available only as provided in section 54-102j.

68 (g) Any person who refuses to submit to the taking of a blood or
69 other biological sample pursuant to this section shall be guilty of a
70 class [A misdemeanor] D felony. Any person required to submit to the
71 taking of a blood or other biological sample pursuant to subsection (b)
72 of this section who refuses to submit to the taking of such sample
73 within five business days of the time specified by the Court Support
74 Services Division may be rearrested pursuant to a warrant issued
75 under section 54-2a.

76 Sec. 502. Section 54-102h of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2010*):

78 (a) (1) The collection of a blood or other biological sample from
79 persons required to submit to the taking of such sample pursuant to

80 subsection (a) of section 54-102g, as amended by this act, shall be the
81 responsibility of the Department of Correction and shall be taken at a
82 time and place specified by the Department of Correction.

83 (2) The collection of a blood or other biological sample from persons
84 required to submit to the taking of such sample pursuant to subsection
85 (b) of section 54-102g, as amended by this act, shall be the
86 responsibility of the [Department of Public Safety] Judicial Department
87 and shall be taken at a time and place specified by the [sentencing
88 court] Court Support Services Division.

89 (3) The collection of a blood or other biological sample from persons
90 required to submit to the taking of such sample pursuant to subsection
91 (c) of section 54-102g, as amended by this act, shall be the
92 responsibility of the Commissioner of Mental Health and Addiction
93 Services or the Commissioner of Developmental Services, as the case
94 may be, and shall be taken at a time and place specified by said
95 commissioner.

96 (4) The collection of a blood or other biological sample from persons
97 required to submit to the taking of such sample pursuant to subsection
98 (d) of section 54-102g, as amended by this act, shall be the
99 responsibility of the Judicial Department if such person is serving a
100 period of probation and of the Department of Correction if such person
101 is serving a period of parole and shall be taken at a time and place
102 specified by the Court Support Services Division or the Department of
103 Correction, as the case may be.

104 (5) The collection of a blood or other biological sample from persons
105 required to submit to the taking of such sample pursuant to subsection
106 (e) of section 54-102g, as amended by this act, shall be the
107 responsibility of the agency in whose custody or under whose
108 supervision such person has been placed, and shall be taken at a time
109 and place specified by such agency.

110 (b) Only a person licensed to practice medicine and surgery in this
111 state, a qualified laboratory technician, a registered nurse or a

112 phlebotomist shall take any blood sample to be submitted to analysis.

113 (c) No civil liability shall attach to any person authorized to take a
114 blood or other biological sample as provided in this section as a result
115 of the act of taking such sample from any person submitting thereto, if
116 the blood or other biological sample was taken according to
117 recognized medical procedures, provided no person shall be relieved
118 from liability for negligence in the taking of any such sample.

119 (d) (1) Chemically clean sterile disposable needles and vacuum
120 draw tubes shall be used for all blood samples. The tube or container
121 for a blood or other biological sample shall be sealed and labeled with
122 the subject's name, Social Security number, date of birth, race and
123 gender, the name of the person collecting the sample, and the date and
124 place of collection. The tube or container shall be secured to prevent
125 tampering with the contents.

126 (2) Only collection kits approved by the Division of Scientific
127 Services within the Department of Public Safety may be used for the
128 collection of biological samples by buccal swabs.

129 (e) The steps set forth in this section relating to the taking, handling,
130 identification and disposition of blood or other biological samples are
131 procedural and not substantive. Substantial compliance therewith shall
132 be deemed to be sufficient. The samples shall be transported to the
133 Division of Scientific Services within the Department of Public Safety
134 not more than fifteen days following their collection and shall be
135 analyzed and stored in the DNA data bank in accordance with sections
136 54-102i and 54-102j.

137 Sec. 503. Section 54-102m of the general statutes is repealed and the
138 following is substituted in lieu thereof (*Effective October 1, 2010*):

139 (a) There is established a DNA Data Bank Oversight Panel
140 composed of the Chief State's Attorney, the Attorney General, the
141 Commissioner of Public Safety, [and] the Commissioner of Correction
142 and the executive director of the Court Support Services Division of

143 the Judicial Department, or their designees. The Chief State's Attorney
144 shall serve as chairperson of the panel and shall coordinate the
145 agencies responsible for the implementation and maintenance of the
146 DNA data bank established pursuant to section 54-102j.

147 (b) The panel shall take such action as necessary to assure the
148 integrity of the data bank including the destruction of inappropriately
149 obtained samples and the purging of all records and identifiable
150 information pertaining to the persons from whom such
151 inappropriately obtained samples were collected.

152 (c) The panel shall meet on a quarterly basis and shall maintain
153 records of its meetings. Such records shall be retained by the
154 chairperson. The meetings and records of the panel shall be subject to
155 the provisions of the Freedom of Information Act, as defined in section
156 1-200, except that discussions and records of personally identifiable
157 DNA information contained in the data bank shall be confidential and
158 not subject to disclosure pursuant to the Freedom of Information Act."